

FILED
IN CLERKS OFFICE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

HYBRICON CORPORATION,
Plaintiff,

v.

THE ILLUMINATI SNOWBOARD
COMPANY and THE ILLUMINATI,

Defendants.

MAGISTRATE JUDGE *Marked*

05 U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS

) Civil Action No.

)

)

)
COMPLAINT

NATURE OF THE ACTION

1. This is an action for temporary, preliminary and permanent injunctive relief for trademark dilution and cybersquatting under 15 U.S.C. §§ 1125.

THE PARTIES

2. Plaintiff, Hybricon Corporation is a Massachusetts corporation having a principal place of business located at 12 Willow Road, Ayer, MA 01432.

3. Defendants, The Illuminati Snowboard Company and The Illuminati (collectively "Defendants"), upon information and belief, are Wyoming companies having a principal places of business in Jackson, Wyoming.

JURISDICTION AND VENUE

4. Jurisdiction is proper under 15 U.S.C. § 1121, 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 1338 (trademark), as well as 28 U.S.C. § 1367 (supplemental jurisdiction).

5. Venue is proper in this District under 28 U.S.C. § 1391.

RECEIPT # *62282*
AMOUNT \$ *250*
SUMMONS ISSUED *yes*
LOCAL RULE 4.1
WAIVER FORM
MCF ISSUED *form*
BY DPTY CLK *form*
DATE *2/23/05*

STATEMENT OF THE FACTS

Plaintiff's Business, Products and "Hybricon"® Federal Trademark Registrations

6. Plaintiff is an established company whose principal business is manufacturing electronic interconnection and packaging equipment. Plaintiff manufactures backplanes, card cage/backplane assemblies and complete subsystem interconnect packaging. These products are shipped to customers throughout the United States, Europe, and Asia. Plaintiff's production capabilities extend from standard packaging to complex, fully custom systems.

7. Plaintiff is the owner of Federal Trademark Registration No. 2,332,693 (for the mark "HYBRICON" in typed letters), as evidenced by the records of the Patent and Trademark Office relating thereto, copy attached hereto as Exhibit A.

8. Plaintiff is the owner of Federal Trademark Registration No. 2,387,393 (for the mark "HYBRICON" in typed letters), as evidenced by the records of the Patent and Trademark Office relating thereto, copy attached hereto as Exhibit B.

9. Plaintiff is the owner of Federal Trademark Registration No. 2,259,457 (for the mark "HYBRICON" plus design), as evidenced by the records of the Patent and Trademark Office relating thereto, copy attached hereto as Exhibit C.

10. Plaintiff is the owner of Federal Trademark Registration No. 2,259,451 (for the mark "HYBRICON" plus design), as evidenced by the records of the Patent and Trademark Office relating thereto, copy attached hereto as Exhibit D.

11. Plaintiff is the owner of Federal Trademark Registration No. 1,118,679 (for the mark "HYBRICON" in typed letters), as evidenced by the records of the Patent and Trademark Office relating thereto, copy attached hereto as Exhibit E.

12. Plaintiff's Federal Trademark Registrations are valid and subsisting, incontestable pursuant to 15 U.S.C. §1065, and evidence Plaintiff's exclusive right to use the HYBRICON® trademarks shown therein in commerce throughout the United States.

13. Plaintiff has been known to its customers by the tradename HYBRICON since at least as early as 1977.

14. Plaintiff has been using its HYBRICON® trademarks continuously since February 1977 in connection with the sale of its products, and has expended substantial sums of money in the advertising and promotion of its products under and in connection with its HYBRICON® trademarks over more than two decades.

15. Plaintiff has been using its HYBRICON® trademark in a number of ways customary in the trade, including in displays associated with its goods such as brochures on which it prominently displays the mark in association with images of the goods and information necessary for purchasers to order those goods.

16. Plaintiff has a website accessible on the World Wide Web, with a web address "www.hybricon.com", and a print of the home page of that website is attached hereto as Exhibit F; as is evident from Exhibit F, Plaintiff prominently displays its HYBRICON® trademark in its web site.

17. Plaintiff's HYBRICON® trademark is strong, distinctive and famous within the high technology electronics industry.

Defendants' Business and Infringing Use of the "HYBRICON" term.

18. Upon information and belief, Defendants are and have been engaged in the business of designing, manufacturing, and selling snowboards, bindings clothing and other products. Defendants are using the term "Hybricon" as a mark for their products and services in interstate commerce in connection with each of these businesses.

19. Upon information and belief, Defendants are and have been marketing and advertising their products, and prominently using the term "Hybricon" in connection with that activity.

20. Defendants have also constructed at least two web sites accessible on the World Wide Web, with web addresses www.illuminatisnowboards.com and www.ill23.com, and a print of the home page from each web address is attached as Exhibits G and H.

21. Defendants' web sites are highly interactive in that Internet users can purchase Defendants' products directly from Defendant over the Internet. Defendants clearly do business over the Internet. Specifically, the defendants enter into contracts with residents of a foreign jurisdiction, including residents of the Commonwealth of Massachusetts, that involve the knowing and repeated transmission of computer files over the Internet.

22. Defendants' web sites intentionally utilizes the term "Hybricon" to promote the retail sale of Defendants' products over the Internet.

23. Defendants also use Plaintiff's HYBRICON[®] trademark in metatags imbedded in their websites to attract web browsers to their web sites instead of Plaintiff's. When an Internet user enters the term "Hybricon" into the popular Google[®] Internet search engine, as well as other top search engines, Defendants' websites appears among the first 24 web sites listed.

24. When an Internet user enters the term "Illuminati" into the popular Google^{*} Internet search engine, as well as other top search engines, a number of unsavory and unwholesome websites are listed. These web sites are of the type with which Plaintiff would not chose to associate.

25. On information and belief, Defendants were aware of Plaintiff's existence, Plaintiff's prior use of its HYBRICON^{*} trademarks, and Plaintiff's Federal Trademark Registration Nos. 2,332,693, 2,387,393, 2,259,457, 2,259,451 and 1,118,679 at the time that Defendants adopted and commenced using the term "Hybricon" as a mark for their products and services.

26. Plaintiff has never authorized Defendants use the term "Hybricon" or any other similar thereto term, as a trademark or otherwise in connection with their business.

27. Plaintiff has demanded that Defendants discontinue any further use of the term "Hybricon" as a trademark; and Defendants have deliberately and consciously elected to use and to continue to use the term despite Plaintiff's demand.

28. Defendants' continued use of the term "Hybricon" as a trademark threatens to seriously impair Plaintiff's goodwill and reputation in the eyes of those purchasers in the high technology electronics industry.

29. Defendants' activities have diluted, blurred and tarnished the distinctiveness of Plaintiff's trademark, and are likely to continue to dilute, blur and tarnish Plaintiff's established good will and business reputation represented by such mark.

30. Defendants' use of the term "Hybricon" is likely to cause confusion, deception, or mistake on the part of purchasers and prospective purchasers of the parties respective products and as to the affiliation or sponsorship of Plaintiff by Defendants and vice versa.

31. On information and belief, Defendants have been unjustly enriched in their profits as a result of this unauthorized use of the term "Hybricon" in their web site metatags and otherwise in association with their business.

COUNT I

(Trademark Dilution Under 15 U.S.C. §1125(c))

32. Plaintiff repeats and realleges the allegations of paragraphs 1-31 above as if fully set forth herein.

33. Plaintiff's HYBRICON^{*} marks have become famous and distinctive in the high technology electronics industry through Plaintiff's continuous and exclusive use of that mark in connection with its products and services.

34. Because Plaintiff's products and services have gained a reputation for superior quality and value, its HYBRICON^{*} marks have gained a high degree of recognition, as well as substantial fame, renown and good will.

35. Defendants' activities have diluted, blurred and tarnished the distinctiveness of Plaintiff's trademark, and are likely to continue to dilute, blur and tarnish Plaintiff's established good will and business reputation represented by such mark.

36. Defendants' use of the term "Hybricon" has caused and continues to cause irreparable injury to and dilution of the distinctive quality of Plaintiff's HYBRICON^{*} mark in violation of 15 U.S.C. §1125(c).

37. Plaintiff has suffered irreparable harm to its valuable and famous HYBRICON^{*} marks and continues to be irreparably harmed.

38. Unless enjoined by this Court, Defendants will continue their acts of dilution.

39. As a result, Plaintiff is entitled to damages, costs and other remedies against Defendants.

COUNT II
(Cybersquatting Under 15 U.S.C. §1125(d))

40. Plaintiff repeats and realleges the allegations of paragraphs 1-39 above as if fully set forth herein.

41. Defendants have registered, traffic in and continue to use the domain names “www.illuminatisnowboards.com” and “www.ill23.com”.

42. Defendants have used and continue to use HYBRICON® in metatags imbedded in their websites to attract web browsers to their web sites instead of Plaintiff’s web site.

43. Defendants’ marketing and sales of products through their websites constitutes “trafficking” within the meaning of 15 U.S.C. §1125(d).

44. Defendants’ use of the term “Hybricon” in metatags imbedded in their websites is now and continues to be with full knowledge of Plaintiff’s HYBRICON® mark and tradename.

45. Defendants are using the term “Hybricon” in metatags imbedded in their websites with a bad faith intent to profit commercially from the use of Plaintiff’s marks and tradename.

46. Defendants’ use of the term “Hybricon” in metatags imbedded in their websites creates initial interest confusion among consumers who intend to access Plaintiff’s website.

47. Defendants’ use of the term “Hybricon” in metatags imbedded in their websites was in bad faith with the intent to profit from the confusion or mistake among the public as to the true source, origin, source sponsorship, approval, authorization, or affiliation of Defendants’ goods and/or services with Plaintiff’s registered marks.

48. Plaintiff has been and will continue to be irreparably harmed by Defendants' use of the term "Hybricon" in metatags imbedded in Defendants' websites unless and until Defendants' continued use of such domain name is enjoined by this Court.

49. As a result, Plaintiff is entitled to damages, costs and other remedies against Defendants.

RELIEF REQUESTED

WHEREFORE, Plaintiff prays that judgment be entered by this Court providing:

A. Entry of a temporary restraining order and preliminary injunction immediately, and throughout the pendency of this action, enjoining Defendants, their employees, agents, officers, successors, and assigns, or others in privy therewith or under their control, and any and all persons acting by or under the authority of Defendants or in privity with them:

(1) from manufacturing, offering for sale, selling distributing, advertising or promoting products bearing or embodying the term "Hybricon", or any other term confusingly similar to Plaintiff's HYBRICON^{*} mark;

(2) from shipping, delivering, distributing, returning, disposing of, concealing, moving, destroying, or otherwise transferring (a) any equipment or products bearing or embodying Plaintiff's HYBRICON^{*} mark; and (b) any books, records, documents, labels, printing labels, advertising, or containers, relating to equipment bearing or embodying Plaintiff's HYBRICON^{*} mark; and

(3) from using the term "Hybricon" in metatags imbedded in Defendants' websites;

B. Entry of a permanent injunction perpetually enjoining Defendants, their employees, agents, officers, successors, and assigns, or others in privy therewith or under their control, and any and all persons acting by or under the authority of Defendant or in privity with them:

- (1) from manufacturing, offering for sale, selling distributing, advertising or promoting products bearing or embodying Plaintiff's HYBRICON^{*} mark;
- (2) from using the term "Hybricon" in metatags imbedded in Defendants' websites;

C. Entry of judgment requiring Defendants to forthwith deliver to Hybricon Corporation for destruction any and all goods, including packaging, circulars, catalogs, price lists, labels signs, cards, prints, packages, wrappers, pouches, receptacles, advertising matter, promotional and other materials in the possession of Defendants or under their control, bearing or embodying Plaintiff's HYBRICON^{*} mark.

D. Entry of judgment requiring Defendants, within thirty days after the service of judgment upon them, to file with the Court, and serve upon counsel for Hybricon Corporation, a written report under oath setting forth in detail the manner in which Defendants have complied with paragraphs A through C above.

E. Entry of judgment finding that Defendants, through their use of the term "Hybricon", have diluted the distinctive quality of Plaintiff's HYBRICON^{*} mark in violation of 15 U.S.C. §1125(c);

F. Entry of judgment finding that Defendants, through registration and use of the domain names "www.illuminatisnowboards.com" and "www.ill23.com", have demonstrated a bad faith intent to profit from Plaintiff's HYBRICON^{*} mark in violation of 15 U.S.C. §1125(d);

G. Entry of judgment awarding to Plaintiff, Defendants' profits as a result of Defendants' unjust enrichment.

H. Entry of judgment awarding Plaintiff statutory damages for each violation of the cybersquatting statute.

I. Entry of judgment that Plaintiff be awarded its attorney's fees and costs incurred in the prosecution of this action, together with such other and further relief as this Court may deem just and proper.

JURY DEMAND

Plaintiff demands a trial by jury of all claims or issues so triable.

Respectfully submitted,

HYBRICON CORPORATION

By Its Attorneys,

Dated:


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Typed Drawing**Word Mark** HYBRICON

Goods and Services IC 009. US 021 023 026 036 038. G & S: Electronic backplanes, electronic backplane enclosures, racks and subracks for mounting assemblies of electronic modules, electronic power supplies, circuitry for interconnecting electronic modules, and assemblies of such modules, power supplies and circuitry. FIRST USE: 19940000. FIRST USE IN COMMERCE: 19940000

Mark Drawing Code (1) TYPED DRAWING

Serial Number 75696313**Filing Date** May 3, 1999**Current Filing Basis** 1A**Original Filing Basis** 1A**Published for Opposition** December 28, 1999**Registration Number** 2332693**Registration Date** March 21, 2000**Owner** (REGISTRANT) Hybricon Corporation CORPORATION MASSACHUSETTS 12 Willow Road Ayer MASSACHUSETTS 01432**Attorney of Record** Robert J. Schiller

Prior Registrations 1118679;2259451;2259457
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE



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Typed Drawing**Word Mark** HYBRICON

Goods and Services IC 042. US 100 101. G & S: Engineering design for others with respect to signal integrity, thermal and airflow characteristics, electronic and mechanical design layout and documentation, and electromagnetic interference modeling and simulation for electronic and mechanical components and interconnections, namely, motherboards, backplanes, electrical circuit boards, circuit boards, connectors, and enclosures, frames and racks for mounting such components; system integration of electronic and mechanical components and interconnections, namely, motherboards, backplanes, electrical circuit boards, circuit boards, connectors and enclosures, mounting frames and racks with components procured from other sources. FIRST USE: 19940000. FIRST USE IN COMMERCE: 19940000

Mark Drawing Code (1) TYPED DRAWING

Serial Number 75695901

Filing Date May 3, 1999

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition June 27, 2000

Registration Number 2387393

Registration Date September 19, 2000
Owner (REGISTRANT) Hybricon Corporation CORPORATION MASSACHUSETTS 12
Willow Road Ayer MASSACHUSETTS 01432
Attorney of Record Robert J. Schiller
Prior Registrations 1118679;2259451;2259457
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Word Mark HYBRICON
Goods and Services IC 009. US 021 023 026 036 038. G & S: ELECTRONIC BACKPLANE ENCLOSURES, ELECTRONIC BACKPLANES, PRINTED CIRCUIT BOARDS, WIRE WRAP BOARDS, CONNECTORS, EXTENDER CARDS, CARD GUIDES, and CARD EJECTORS. FIRST USE: 19940000. FIRST USE IN COMMERCE: 19940000

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 260127 261713

Serial Number 75489469

Filing Date May 21, 1998

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition April 13, 1999

Registration 2259457

Number

Registration Date July 6, 1999

Owner (REGISTRANT) Hybricon Corporation CORPORATION MASSACHUSETTS 12
Willow Road Ayer MASSACHUSETTS 01432

Attorney of Record ANTHONY P ONELLO JR

Prior Registrations 1118679

Description of Mark The mark is lined for the color red.

Type of Mark TRADEMARK

Register PRINCIPAL

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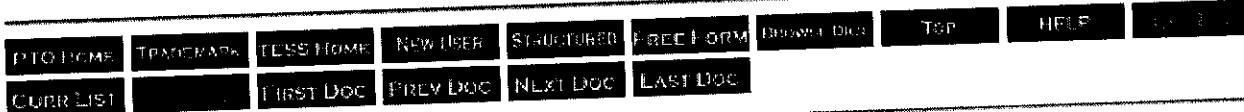
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Word Mark	HYBRICON
Goods and Services	IC 009. US 021 023 026 036 038. G & S: ELECTRONIC BACKPLANE ENCLOSURES, ELECTRONIC BACKPLANES, PRINTED CIRCUIT BOARDS, WIRE WRAP BOARDS, CONNECTORS, EXTENDER CARDS, CARD GUIDES, AND CARD EJECTORS. FIRST USE: 19940000. FIRST USE IN COMMERCE: 19940000
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	260104 260121 261121 261713
Serial Number	75488846
Filing Date	May 21, 1998
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	April 13, 1999
Registration	2259451

Number**Registration Date** July 6, 1999**Owner** (REGISTRANT) Hybricon Corporation CORPORATION MASSACHUSETTS 12
Willow Road Ayer MASSACHUSETTS 01432**Attorney of Record** ANTHONY P ONELLO JR**Prior Registrations** 1118679**Type of Mark** TRADEMARK**Register** PRINCIPAL**Live/Dead Indicator** LIVE

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Typed Drawing

Word Mark HYBRICON
Goods and Services IC 009. US 021. G & S: PRINTED CIRCUIT BOARDS AND DIP SOCKETS, WRAPPABLE PINS, EDGE CONNECTORS, CARD GUIDES AND CARD ELECTORS FOR PRINTED CIRCUIT BOARDS. FIRST USE: 19770100. FIRST USE IN COMMERCE: 19770200
Mark Drawing Code (1) TYPED DRAWING
Serial Number 73152194
Filing Date December 15, 1977
Current Filing Basis 1A
Original Filing Basis 1A
Registration Number 1118679
Registration Date May 22, 1979
Owner (REGISTRANT) HYBRICON CORPORATION CORPORATION MASSACHUSETTS P. O. BOX 206 410 GREAT ROAD LITTLETON MASSACHUSETTS 01460
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).

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Hybricon is a world-class manufacturer of enclosures for military, telecom & commercial applications. We design and build CompactPCI, Rugged COTS, VME, VME64x, VXI and custom bus systems.

Hybricon is the industry leader in backplane design, offering the newest technologies for VME, VME 64x, CompactPCI, VXI, and custom bus structures.

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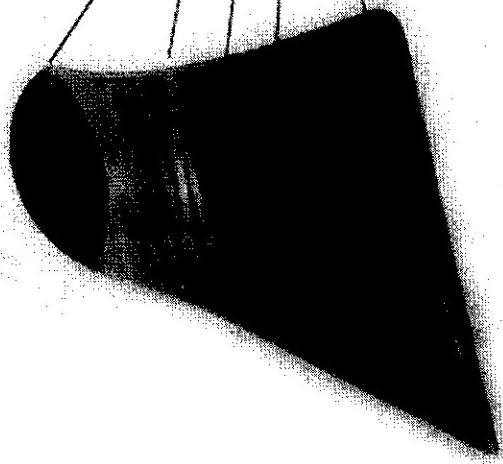
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"What is the difference between the snowboarder and the ordinary man?



...that the snowboarder demands a ride on the 2005 Illuminati Hybricon.

- Tensionally stiff capped nose and tail
- Durable ABS Sidewall
- ILLUMINATI Wood Core
- 24 Stainless Steel Inserts
- Sintered 4000 Base

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We believe snowboarding is important, and our goal is to help you get the best snowboard for your riding style, at the best price, while providing the highest level of customer service.

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SJS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS HYBRICON CORPORATION		DEFENDANTS THE ILLUMINATI SNOWBOARD COMPANY, and THE ILLUMINATI	
(b) County of Residence of First Listed Plaintiff <u>MIDDLESEX</u> (EXCEPT IN U.S. PLAINTIFF CASES)		County of Residence of First Listed Defendant <u>TETON</u> (IN U.S. PLAINTIFF CASES ONLY)	
(c) Attorney's (Firm Name, Address, and Telephone Number) Cesari and McKenna, LLP, 88 Black Falcon Avenue-Ste. 271, Boston, MA 02210 - Phone 617-951-2500		NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. Attorneys (If Known)	
II. BASIS OF JURISDICTION (Place an "X" in One Box Only)		III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only)	
<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)	Citizen of This State <input type="checkbox"/> PTF <input type="checkbox"/> DEF	Incorporated or Principal Place of Business In This State <input type="checkbox"/> PTF <input type="checkbox"/> DEF
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	Citizen of Another State <input type="checkbox"/> PTF <input type="checkbox"/> DEF	Incorporated and Principal Place of Business In Another State <input type="checkbox"/> PTF <input type="checkbox"/> DEF
		Citizen or Subject of a Foreign Country <input type="checkbox"/> PTF <input type="checkbox"/> DEF	Foreign National <input type="checkbox"/> PTF <input type="checkbox"/> DEF
IV. NATURE OF SUIT (Place an "X" in One Box Only)		CONTRACT	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise		TORTS <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	
		PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	
		PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	
		FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	
		BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157	
		PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark	
		LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	
		SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	
		FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
		OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	
V. ORIGIN (Place an "X" in One Box Only)		Appeal to District Judge from Magistrate Judgment	
<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify) <input type="checkbox"/> 6 Multidistrict Litigation <input type="checkbox"/> 7
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 15 U.S.C. Section 112.5			
Brief description of cause: Trademark Dilution and Cybersquatting			
VI. CAUSE OF ACTION		VII. REQUESTED IN COMPLAINT: <input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	
		DEMAND \$	CHECK YES only if demanded in complaint: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
VIII. RELATED CASE(S) IF ANY		(See instructions): JUDGE DOCKET NUMBER	
DATE		SIGNATURE OF ATTORNEY OF RECORD	
22 February 2005 FOR OFFICE USE ONLY		<i>Thomas C. Okarski, Jr.</i>	
RECEIPT #		AMOUNT	APPLYING IFP
			JUDGE
			MAG JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY) Hydricon Corporation v.
The Illuminati Snowboard Company and The Illuminati

2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1))

1. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT
- II. 195, 368, 400, 440, 441-444, 546, 550, 555, 625, 740, 770, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892, 894, 895, 850.
- III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- V. 150, 152, 153.

*Also complete AO 120 or AO 121
for patent, trademark or copyright cases

3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(G)). IF MORE THAN ONE PRIOR RELATED CASE HAS BEEN FILED IN THIS DISTRICT PLEASE INDICATE THE TITLE AND NUMBER OF THE FIRST FILED CASE IN THIS COURT.

4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT?

YES NO

5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? (SEE 28 USC §2403)

YES NO

IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY?

YES NO

6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC §2284?

YES NO

7. DO ALL OF THE PARTIES IN THIS ACTION, EXCLUDING GOVERNMENTAL AGENCIES OF THE UNITED STATES AND THE COMMONWEALTH OF MASSACHUSETTS ("GOVERNMENTAL AGENCIES"), RESIDING IN MASSACHUSETTS RESIDE IN THE SAME DIVISION? - (SEE LOCAL RULE 40.1(D)).

YES NO

A. IF YES, IN WHICH DIVISION DO ALL OF THE NON-GOVERNMENTAL PARTIES RESIDE?

EASTERN DIVISION CENTRAL DIVISION WESTERN DIVISION

B. IF NO, IN WHICH DIVISION DO THE MAJORITY OF THE PLAINTIFFS OR THE ONLY PARTIES, EXCLUDING GOVERNMENTAL AGENCIES, RESIDING IN MASSACHUSETTS RESIDE?

EASTERN DIVISION CENTRAL DIVISION WESTERN DIVISION

(PLEASE TYPE OR PRINT)

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